



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/807,050

04/06/2001

Petr Peterka

D02197

2207

43471

7590

06/23/2006

GENERAL INSTRUMENT CORPORATION DBA THE CONNECTED  
HOME SOLUTIONS BUSINESS OF MOTOROLA, INC.  
101 TOURNAMENT DRIVE  
HORSHAM, PA 19044

EXAMINER

KENDALL, CHUCK O

ART UNIT

PAPER NUMBER

2192

DATE MAILED: 06/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/807,050	PETERKA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Chuck O. Kendall	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,5,6,9,10,12,14,21 and 23 is/are pending in the application.
- 4a) Of the above claim(s) Claims 2, 3, 7,11,13,15 – 20, 22 and 24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5,6,9,10,12,14,21 and 23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

***Detailed Action***

1. This action is in response to the application filed 05/17/06.
2. Claims 2, 3, 7, 11, 13, 15 – 20, 22 and 24 have been cancelled and claims 1, 5, 6, 9, 10, 12, 14, 21 and 23 have been amended and are pending.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 5, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mills USPN 6,055,560 (art of record) in view of Parthasarathy et al. USPN 6,347,398 B1 (hereinafter "Parathasarathy", art being made of record).

Regarding claim 1, Mills discloses, a method A television set-top terminal (FIG1, set top box. 108), comprising:

a computer readable, medium having computer program code (2:55 – 57) ; and  
means for executing said computer program code to implement an Application Programming Interface (API) wherein: (FIG. 2, API 152 and at 5:30 – 32), the means for

executing said computer program code being located in said set-top terminal (6:1 – 10, see call backs and local behavior on the set top box), wherein;

application data which defines applications is recovered at the terminal according to locators associated with the applications (5:57-64, see panel stacking and back track (recover));

the applications are registered and installed at the terminal (8:2-6, see install and download, also see 12:20 – 30 for update);

the API enables running and subsequent stopping of the applications (6:5-10, see stop button ); and

the API enables the retrieval of the applications as broadcasts software applications (4:60 – 65, see queue and broadcast, also see 8:15 – 20 for retrieving);

the API enables pausing of the applications once they are running, and subsequent resuming of the applications (5:10 – 15, see suspension and resume).

Although, Mills doesn't explicitly disclose that the API enables a user to be notified of the presence of the application after registration and installation, he does disclose providing the current state of a set top box which is maintained by the application engine (5:20 – 30).

However, Parathasarathy in an analogous art and similar configuration discloses in table on col. 12 – 13, that the client registers it status during a download and install and also that the client receives notifications through the IbindStatusCallback interface it has registered (col.12- 13).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine, Mills and Parathasarathy because it would enable maintaining of status information of installed or registered applications on the set top box.

Regarding claim 5, the terminal of claim 1, wherein:

said API is independent of an operating system and hardware of the terminal (Mills, 5:32 – 36, see “ without knowing the database language or which type of database is being used...).

Regarding claim 21, the method version of claim 1, see rationale as previously discussed above.

5. Claims 6, 9, 10, 12,14 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mills USPN 6,055,560 (art of record) in view of Parthasarathy et al. USPN 6,347,398 B1 and further in view of ITU-T/ ISO documents (hereinafter “ISO”).

Regarding claim 6, Mills as modified by Parthasarathy discloses a television set-top terminal (FIG.5, 108), comprising:

a computer readable medium having computer program code (2:55 – 57); and  
means for executing said computer program code to implement an Application Programming Interface (API) wherein:

application data which defines applications is recovered at the terminal according to locators associated with the applications (5:57-64, see panel stacking and back track (recover));

the applications are registered and installed at the terminal (8:2-6, see install and download); and

the API enables particular ones of the applications to advertise their respective states to other applications (5:20 – 25). Although, Mills and Parthasarathy doesn't explicitly disclose providing an ITU-T X.731 based mechanism for monitoring and controlling the applications, wherein said ITU-TX.731 is an international standard which defines management states, status codes and state transitions for manageable objects, he does disclose a telecommunication system utilizing X. 25 an earlier standard, see FIG. 5 and FIG. 6, 116, and associated text. However, ISO shows on page 4, that the X.731 is a Generic model for state management functions and has been around since (01/92).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Mills and Parthasarathy with ISO because, ITU-TX. 731 is a is a generic model for state management and would have enabled the system to be configured to more efficiently manage the application.

Regarding claim 9, the terminal of claim 6, wherein:

said API enables at least one of the other applications to access the advertised state of at least one of the particular advertising applications (Mills, 5:20 – 25, see current state).

Regarding claim 10, the terminal of claim 6, wherein:

said API enables retrieval of version information associated with the applications ( Mills, 8:1 – 5, see matching and retrieving appropriate panels to download).

Regarding claim 12, the terminal of claim 6, wherein: API enables verification of the integrity of all of the applications (Mills, 15:5 – 10, see “set top enabling code verifies”).

Regarding claim 14, the terminal of claim 6, wherein:

said API enables administrative locking and unlocking of the applications (Mills, 8:62 – 67, see lock bit).

Regarding claim 23, the method version of claim 6, see rationale as previously discussed above.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1, 5, 6, 9,10,12, 14, 21 and 23 have been considered but are moot in view of the new ground(s) of rejection.

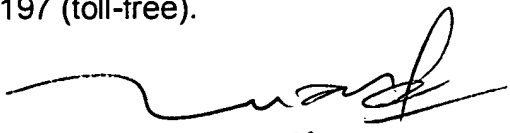
**Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Kendall whose telephone number is 571-2723698. The examiner can normally be reached on 10:00 am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on 571-2723695. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ck.



TUAN DAM  
SUPERVISORY PATENT EXAMINER